

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rito de Tierra Amarilla

MOTION FOR DEFAULT JUDGMENT
AGAINST UNKNOWN CLAIMANTS OF INTEREST
IN THE RITO DE TIERRA AMARILLA SUBSECTION
OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM

Plaintiff State of New Mexico *ex rel.* State Engineer (“State”) hereby moves the Court to enter the attached Order granting default judgment against the following defendants:

UNKNOWN CLAIMANTS OF INTEREST TO SURFACE WATERS FOR IRRIGATION PURPOSES IN THE RITO DE TIERRA AMARILLA SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM.

The State offers the following grounds for the motion:

1. Under the Procedural Order for the Adjudication of Water Rights Claims in the Rito de Tierra Amarilla Subsection of the Rio Chama Stream System (“Tierra Amarilla Subsection”), individuals who claim surface water irrigation rights that were not included in the State’s Hydrographic Survey (unidentified and unknown claimants) were required to file a Statement of Omitted Claim with the Court no later than December 31, 2003. *Procedural Order for the Adjudication of Water Rights Claims in Section 7 of the Rio Chama Stream System*, filed November 19, 2002 (Doc. 6939), ¶ II (C)(4).

2. The Court has jurisdiction over Unknown Claimants of Interest to surface water used for irrigation purposes in the Tierra Amarilla Subsection as shown by the *Proof of Publication of Notice of Pendency of Suit* filed March 5, 2005 (Doc. 7782).

3. The defendants named above are in default for failure to appear, answer, or otherwise defend in this cause, as shown by the *Clerk's Certificate of Default* filed September 29, 2005 (Doc. 8022).

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its Order granting judgment by default against Unknown Claimants of Interest to surface water used for irrigation purposes in the Tierra Amarilla Subsection, and forever bar the assertion of additional claims in these proceedings by Unknown Claimants of Interest to the use of surface water for irrigation purposes in the Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
FELICITY STACHAN
Special Assistant Attorneys General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 615-6402
(505) 827-3989

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31th day of August, 2017 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville
EDWARD G. NEWVILLE